

United States District CourtFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Sep 14, 2022

SEAN F. MCAVOY, CLERK

Eastern District of Washington**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Zenon Simiano

Case Number: 0980 4:14CR06017-EFS-1

Address of Offender: [REDACTED], Kennewick, Washington 99336

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: December 19, 2014

Original Offense: Distribution of Controlled Substance - Methamphetamine,
21 U.S.C. § 841(a)(1), (b)(1)(B)(viii)Original Sentence: Prison - 60 months Type of Supervision: Supervised Release
TSR - 48 monthsRevocation Sentence: Prison - 6 months
(November 6, 2018) TSR - 48 monthsRevocation Sentence: Prison - 8 months
(April 19, 2022) TSR - 24 months

Asst. U.S. Attorney: Patrick J. Cashman

Date Supervision Commenced: June 1, 2022

Defense Attorney: Paul Shelton

Date Supervision Expires: May 31, 2024

PETITIONING THE COURT

To issue a warrant and to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 8/26/2022.

Mr. Simiano commenced supervised release on June 1, 2022. On June 3, 2022, Mr. Simiano reported to the U.S. Probation Office in Richland, Washington. His conditions of release were reviewed with and signed by Mr. Simiano, acknowledging an understanding of his supervised release conditions.

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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Special Condition # 3: You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

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Supporting Evidence: Mr. Simiano is considered to be in violation of his conditions of supervised release by failing to complete a substance abuse evaluation at Merit Resource Services (Merit). His conditions of supervised release were reviewed with him on June 3, 2022. During this meeting, Mr. Simiano was referred to Merit to complete a substance abuse evaluation. Mr. Simiano reported that during his time spent with Victory Outreach, he was so busy participating in the programs on a day to day basis that he did not have any time to complete an assessment. After he voluntarily left the Victory Outreach program, Mr. Simiano stated he would complete his evaluation at Merit and begin treatment.

On August 26, 2022, Mr. Simiano reported to Merit to complete his assessment. Per Merit staff, Mr. Simiano needed to provide police reports from his most recent driving under the influence conviction and a driving abstract so the assessment could be completed. Mr. Simiano has failed to provide this information to Merit as of September 13, 2022, to complete the evaluation.

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Special Condition # 4: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Simiano is considered to be in violation of his conditions of supervised release by failing to report for a drug test at Merit on September 7, 2022.

On June 3, 2022, Mr. Simiano was referred to Merit and placed on the drug testing color line. He was directed to call the color line Monday through Friday and report to Merit when the color brown was called.

On September 8, 2022, Merit notified the undersigned that the color brown was called on September 7, 2022, and Mr. Simiano was not present to submit a drug test.

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Special Condition # 7: Defendant shall participate in a program of GPS location monitoring for a period of 12 months, and you must follow the rules and regulations of the location monitoring program. The defendant shall wear, at all time, an electronic device under the supervision of the United States Probation/Pretrial Services Office. In the event the defendant does not respond to location monitoring and cannot be found, the United States Probation/Pretrial Services Office shall forthwith notify the United States Marshals Service, who shall immediately find, arrest and detain the defendant. The defendant shall pay all or part of the cost of the program based upon ability to pay as determined by the United States Probation/Pretrial Services Office. Defendant shall be restricted to his/her residence at all times except for: attorney visits; court appearances; case-related matters; court-ordered obligations; or other activities as pre-approved by the pretrial services office or supervising officer, including but not limited to employment, religious services, medical necessities, substance abuse testing or treatment.

Supporting Evidence: Mr. Simiano is considered to be in violation of his conditions of supervised release by not responding to attempts to contact him through his GPS device on September 9, 2022, and by not adhering to his approved leave scheduled on September 9, 2022.

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The undersigned attempted to contact Mr. Simiano at his residence on September 9, 2022, at approximately 9:30 a.m. Per GPS mapping, Mr. Simiano was at his listed residence. He did not respond to knocking on his door, a telephone call, or to the submitted message through his GPS device instructing him to contact his supervising officer immediately. The message through his GPS device was sent at 9:35 a.m. and was acknowledged by Mr. Simiano at 9:39 a.m. He did not contact the undersigned as instructed.

Mr. Simiano had approved time out to attend employment at OD Car Audio in Pasco, Monday through Saturday from 7:15 a.m. until 8:45 p.m. This schedule was approved based on the reported work hours of the business. On September 9, 2022, Mr. Simiano left his residence at 4:56 p.m., but did not go to his place of employment. Per GPS mapping, Mr. Simiano went to multiple places in Kennewick, Washington, such as Winco, a tobacco store, and different residences. An alert was received from the location monitoring agency, BI Incorporated, that Mr. Simiano failed to return home at 8:45 p.m. as per his previously approved work schedule. Attempts to contact Mr. Simiano were unsuccessful. The undersigned sent him a text message instructing him to return home immediately at 9:43 p.m. Mr. Simiano returned home at approximately 9:44 p.m.

The U.S. Probation Office respectfully recommends the Court to incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court, and that the Court issue a warrant.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 09/13/2022

s/Daniel M. Manning

Daniel M. Manning
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

September 14, 2022

Date